

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

CHERRION POLLARD POINTER,

Plaintiff,

v.

No. 12-1292

CORRECTIONS CORPORATION OF
AMERICA, *et al.*,

Defendants.

ORDER DISMISSING AS MOOT DEFENDANTS
MOTION TO DISMISS

Pending before the Court is the March 11, 2013 motion of the Defendants to dismiss the Plaintiff's complaint pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. (D.E. 6.) In a response filed March 19, 2013, the Plaintiff argued that she should be allowed to amend her complaint and, by separate motion filed the same day, so moved. The motion was referred to the magistrate judge and, on May 3, 2013, granted. Plaintiff's amended complaint was filed on May 20, 2013. Accordingly, the pending motion is DISMISSED as moot. *See Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 306-07 (6th Cir. 2000) (recognizing that amended complaint supercedes previous complaints and controls case thereafter), *cert. denied*, 533 U.S. 951, 121 S. Ct. 2594, 150 L. Ed. 2d 752 (2001); *Ky. Press Ass'n, Inc. v. Ky.*, 355 F. Supp. 2d 853, 857 (E.D. Ky. 2005) ("amended complaint supercedes the original complaint, thus making [a] motion to dismiss the original complaint moot"), *app. dismissed*, 454 F.3d 505 (6th Cir. 2006).

IT IS SO ORDERED this 21st day of May 2013.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE